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LETTER DATED 12 JANUARY 1998 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On orders from my Government, I have the honour to transmit to you herewith a letter dated 29 December 1997 from Mr. Tariq Aziz, the Deputy Prime Minister, addressed to Mr. Richard Butler, the Executive Chairman of the United Nations Special Commission, as well as the reply by Mr. Butler, dated 8 January 1998, and the letter dated 10 January 1998, in which Mr. Aziz replied to Mr. Butler.

These letters express the desire of the Iraqi party to cooperate with the Special Commission in carrying out its mission in accordance with the principles of transparency, professionalism and objectivity. The Chairman of the Special Commission, on the other hand, is adopting a position along the lines of a policy aimed at sowing confusion in order to misrepresent the facts concerning the disarmament operation in order to maintain the embargo indefinitely.

I should be grateful if you would have the text of this letter and its annexes circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Annex I

[Original: Arabic]

Letter dated 29 December 1997 from the Deputy Prime Minister of Iraq addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council Resolution 687 (1991)

I have the honour to write to you with regard to two questions linked to the principles of transparency in data, principles to which we attach the highest importance and which are indispensable in establishing trust between us and are an essential part of the professional objectivity in the activities of the Special Commission.

The two questions which we should like to address within the framework of transparency of data are the following:

1. On 21 July and 16 August 1996, team No. 155, headed by Mr. Nikita Samidovich, and the delegation of the special mission, headed by Mr. Scott Ritter, inspected one of the units of the Special Republican Guard in the area of Saddam International Airport. On that occasion, the inspection methods agreed upon on 22 June 1996 were applied for the first time, which caused a slight delay in entering the sites because of the large number of checkpoints. The attention of the Iraqi party was subsequently drawn to the fact that lorries and sedans had left the unit before the arrival of the inspection teams. This accusation was maintained by the head of the team, who stated that he had evidence to support the assertion, namely, photographs taken by a U-2 spy aircraft on 12 June and 21 July 1996, respectively. When we asked to have those photographs in order to verify that allegation, the head of the team stated that he was unable to take that decision, but would forward the request to the Executive Chairman.

To date, we have not received any reply and we have noted that one of the photographs was recently broadcast by the CNN television network in order to support the allegations that Iraq was engaging in concealment. Furthermore, the head of the team informed us that those photographs, which were eight in number, had also been submitted to the Security Council.

As you can see, the principle of transparency was not respected because those photographs were used as evidence of concealment without any possibility being given to the Iraqi party to provide information on the reality of the facts.

2. Team No. 218, headed by Mr. Scott Ritter, undertook, with the help of the Chemical Weapons Group, inspections using sophisticated apparatuses to look for possible chemical and biological agents in the sensitive sites that had been recently inspected. In one of the airbases, the team used underground-detection radar in order to search for substances which allegedly had been buried and took air samples at different sensitive sites.

The results of those inspections are of very great importance because they were obtained at sensitive sites in an atmosphere marked by constant allegations concerning supposed attempts at concealment. For this reason, we attach particular importance to the substance of these results, which are to be communicated to the Security Council, because they may reveal the nature of the repeated allegations concerning the so-called concealment and will make it possible to draw the necessary conclusions on their veracity.

I hope that the two questions that I have raised here will receive your attention and that you will communicate to us the further information requested as speedily as possible.

Accept, Sir, the assurances of my highest consideration.

(Signed) Tariq AZIZ
Deputy Prime Minister

Baghdad, 29 December 1997

Annex II

[Original: English]

Letter dated 8 January 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council Resolution 687 (1991) addressed to the Deputy Prime Minister of Iraq

I have received your letter of 29 December 1997, in which you raised certain issues concerning materials related to inspections carried out by UNSCOM 155 and UNSCOM 218.

You have asked for certain photographs taken by a Commission surveillance aircraft relevant to the finding by UNSCOM 155, which were reported to the Security Council on 19 November 1997, to the effect that vehicles had been removed from an inspection site.

During the 19 November 1997 briefing of the Council, the Commission's staff, as you mentioned, showed the members (four, not eight as you suggest) air surveillance photographs to illustrate the Commission's concerns on the issue of concealment. However, copies of these photographs were not provided to Council members. Likewise, in a press conference after the Council meeting, one of these photographs was placed on an easel to illustrate the Commission's concerns regarding the site in question. Again, no copy was given to any member of the press, although a media representative must have taken his own photograph of the photograph displayed during the press conference, because it was later shown on television.

It is not the practice of UNSCOM to provide to the members of the Security Council or to other States, including Iraq, materials which it has compiled from a variety of sources for use as a basis for the conduct and the evaluation of the results of particular inspections. This practice applies to copies of aerial surveillance photographs and it was followed in the cases to which you refer. In the light of the foregoing alone, I am not in a position to accede to your first request.

In addition to the facts of established practice, a basic principle is involved. You have stated that the purpose of your request is for Iraq to examine the photographs and verify the veracity of the Commission's finding regarding the removal of vehicles from the site. The notion that Iraq has the right to verify the materials held by the Commission is in contradiction with the relationship between Iraq and the Commission clearly established by the Security Council.

The Security Council requires Iraq to provide information and for the Commission to verify - your letter appears to seek to reverse this process. There is no basis in any Security Council resolution or decision for granting Iraq the right to verify the veracity of the Commission's findings. This is a task which is reserved to the Council should it wish to do so. Under these

circumstances the Commission should not provide Iraq with the information it has acquired, in whatever form, so that Iraq may 'verify' that information.

As regards your second request, relating to the various tests conducted during the operations of UNSCOM 218, it is likewise not the practice of the Commission to release those results - including sample analysis - unless it is determined that further investigations are warranted, in which case Iraq would be called upon to extend its cooperation with such further investigations. The Commission cannot accept that the veracity of its tests require to be authenticated by Iraq. You will thus, I trust, understand that we cannot depart from our well-established and recognized practice in this case.

In conclusion, as you have referred to the principle of transparency, I would like to recall that this principle has never been understood, in the disarmament context, to require a verification agency to disclose all the information in its possession to the entity which is subject of a verification exercise. If this were the case, it would permit that subject to adjust its declarations and position to comply with the information available to the verification agency irrespective of whether this reflected the truth or not. This would call into question whether the basic objective of establishing the truth has been achieved. As you know, the establishment of the truth of relevant matters is basic to the objective of the full implementation of paragraph 22 of resolution 687 (1991).

Accept, Excellency, the assurances of my highest consideration.

(Signed) Richard BUTLER

Annex III

[Original: Arabic]

Letter dated 10 January 1998 from the Deputy Prime Minister of Iraq addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council Resolution 687 (1991)

I received the letter dated 8 January 1998 that you sent to me in reply to my letter dated 29 December 1997 and I have learned of the letter that you addressed to Lieutenant General Amer Rashid in reply to his letter of 25 December 1997. Accordingly, I should like to make the following observations:

1. The question of the photographs is simple: on 19 November 1997, you submitted to the Security Council and the press photographs which, according to you, represent automobiles or lorries which were transporting prohibited materials while the inspections made on 12 June and 21 July 1996 were being conducted. We asked you to show us those photographs so that we could provide explanations in that regard. In your letter, you informed us that you refused to let us see the photographs in question and you invoked a long series of pretexts in order to justify your position. You, inter alia, alluded to a principle that you invented, namely that it was not for Iraq to verify the statements of the Special Commission, but rather it was for the Commission to verify the information provided by Iraq.

First of all, I should like to state clearly that verification is a way to determine the authenticity of the photographs and the validity of the conclusions reached by the Commission and that the principle of transparency on which Iraq and the Special Commission agreed should facilitate the verification process.

In this regard, I should like to tell you sincerely that your conception of the principle of verification, as you explained it, reveals a deliberate attempt to misrepresent the facts. In the letter dated 29 December 1997 which I addressed to you on the question, I indicated that, on 21 July and 16 August 1996, respectively, inspection team No. 155, led by Mr. Nikita Samidovich and the delegation of the special mission, headed by Mr. Scott Ritter, inspected the duty station of a unit of the Special Republican Guard, situated in the vicinity of Saddam International Airport, and applied the inspection methods for sensitive sites that had been decided on on 22 June 1996. Since those methods were applied for the first time, access to the site was slightly delayed because of the large number of guard posts. Nevertheless, the Iraqi party was later accused of having allowed lorries and sedans to leave the site in question before the arrival of the two teams, an accusation which was repeated subsequently. The head of the inspection team stated that the accusation was based on concrete evidence, namely, photographs of the aforementioned vehicles taken by a U-2 spy aircraft on 12 June and 21 July 1996. When we requested to see the photographs in order to study them, ascertain their authenticity and provide explanations with regard to them, the head of the

inspection team replied that it was not for him to accede to such a request, but that he would forward it to the Executive Chairman.

Our request has still not been complied with, but we were able to take note of the fact that one of the photographs had recently been broadcast by CNN in order to perpetuate the allegations that Iraq was concealing prohibited materials. Those photographs, which, according to the head of the inspection team, were eight in number, were also submitted to the Security Council.

These facts indicate that the principle of transparency was not respected in this matter, since the photographs in question were used to spread certain allegations and the Iraqi party was not given the possibility to provide an explanation and reveal the truth about them.

In the letter that I sent to you there is no question of verification. The matter is simple. You submitted the photographs to the members of the Security Council; none of them is able to state precisely what those photographs represent. You presented those same photographs to representatives of the press, who know no more about them. Only the Iraqi party is able to provide explanations, but you refuse to show it the photographs, all the while reiterating your accusations. How can you interpret your position as constructive?

2. Inspection team No. 218, headed by Mr. Scott Ritter, used sophisticated apparatuses to try to find traces of chemical and biological agents at the sites that it inspected. In my letter dated 29 December 1997, we requested you to inform us and to inform the Security Council of the results of those searches. You refused to comply with our request and attempted to justify your position by stating that it was for the Special Commission to verify the information provided by Iraq. How can you interpret this position as constructive?

3. I reiterate what I said in the letter that I addressed to you on 8 January 1998, namely that General Amer Rashid, in his letter addressed to you on 21 December 1997, requested only a copy of the English translation of the Arabic version of the documents which had been transmitted by Iraq to the Special Commission. What problem could be caused by giving us those documents translated into English, which would enable us to complete our file at upcoming evaluation meetings instead of translating them again ourselves? How does this constitute an infringement of the prerogatives of the Special Commission or a change in its work procedure? What are you seeking to achieve through your refusal?

In raising these questions, I do not understand your attitude or what it seeks to achieve. In actual fact, it serves only to perpetuate the policy aimed at continuing the confusion with regard to the real state of affairs concerning the disarmament operation and maintaining the embargo indefinitely. I have been forced to distribute to the members of the Security Council copies of the correspondence that we have exchanged in order to enable them to see the methods

that you are using in order to deal with these questions, which require transparency, cooperation and good faith in the search for the truth through objective means.

Accept, Sir, the assurances of my highest consideration.

(Signed) Tariq AZIZ
Deputy Prime Minister

Baghdad, 10 January 1998